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International residual mechanism for criminal tribunals

Construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch (A/67/696). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General who provided additional information and clarification, and received written responses on 26 February 2013.

2. The report of the Secretary-General was submitted pursuant to General Assembly resolution 66/240 B, in which the Assembly requested a report providing detailed information on the key decision points regarding the conceptual design, project plan and overall cost estimate of the planned new facility for the Arusha branch of the International Residual Mechanism for Criminal Tribunals, as well as information on efforts to reduce the duration of the project.

Site selection and conceptual design

3. According to the Secretary-General, the Government of the United Republic of Tanzania has offered to provide land for the Arusha branch premises and any required amenities and utilities at the identified site at no cost to the United Nations. A site has been identified for the new facility, near the city of Arusha at a location called Lakilaki (see A/67/696, paras. 9 and 10). **The Advisory Committee reiterates its appreciation to the Government of the United Republic of Tanzania for its provision of land and the necessary connections to the new facility at no cost to the United Nations.**

4. The report states that the conceptual design was developed in-house at no additional cost to the Organization, resulting in savings in the overall project cost (A/67/696, para. 14). Upon enquiry, the Advisory Committee was informed that it is estimated that the cost of conceptual design services by a third party architectural design firm would have been between $75,000 to $100,000. **The Advisory**

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Committee commends the Secretary-General for the savings achieved by using in-house capacity for developing the conceptual design.

5. The report indicates that the design was developed in accordance with the overall programmatic requirements of the facility as set out in the previous report of the Secretary-General, contained in document A/66/754 (A/67/696, para. 15). The report also states that the project will adhere to the current best practices for green building standards in the design and construction industries. In the absence of a prevailing international green building rating system or a national green building rating standard in the region, the project will not seek certification by a national rating system. However, the design team will evaluate the project relative to other national rating systems and will target the highest possible level for each system (ibid., paras. 21 and 22). In this regard, it is reported that solar panels will provide the archives building with 100 per cent of its annual power requirements (ibid., para. 24). Upon enquiry, the Advisory Committee was informed that the planned installation of 500 solar panels on the roof of the archives building, at a total cost of $300,000, will produce enough electricity to cover expected energy demand. The Committee was further informed that the estimated simple payback period for the solar panels is 4.56 years.

6. The report provides details about the archives building, the office building and the courtroom building, which comprise the new facility (A/67/696, paras. 27-36). Upon enquiry, the Advisory Committee was informed that several options for the overall design concept were considered and studied, including a single, monumental-style building; a group or series of small buildings; and a courtyard scheme of three buildings. In choosing the courtyard scheme, the team considered the locally available and prevalent construction technologies, especially those used in structural engineering. The Advisory Committee was also informed that the most pertinent reason for choosing to construct three separate buildings is the functional requirements of the International Residual Mechanism, primarily the protection of privacy and the security of witnesses and staff during judicial activities. It was explained that the physical separation of the accused, the prosecution teams, the defence teams, the judges, the witnesses and the staff of the Mechanism is most easily assured through the construction of completely separate buildings.

7. Upon enquiry, the Advisory Committee was informed that the project has benefited from local expertise during the programming, conceptual design and other phases. **The Advisory Committee welcomes the use of local expertise and encourages the continued inclusion of local knowledge and capacity in the project.**

8. With respect to space requirements and the common space allowance per person, the Advisory Committee was informed, upon enquiry, that the gross area per person in the office building planned for the new facility is roughly 20.5 square metres, or 220 square feet, which is in line with the individual ratios used by the capital master plan. The common space factor of 30 per cent per person used in the project is also in line with that used by the capital master plan. However, the planning figures used to design the office building apply the capital master plan ratios for continuous staff functions only, and consequently the office space would not be increased to accommodate the expected ad hoc functions.

9. The Advisory Committee was further informed that in order to accommodate additional requirements during peak periods, and to accommodate possible requirements for "hotelling" and "hot-desking", the open office areas and a conference room and lounge have been designed in a flexible manner, allowing for the inclusion of additional, smaller workstations within the same floor area. When additional staff are accommodated, the per-person ratio will decrease to a level in line with that recommended in the long-term accommodation study (see A/67/720). **The Advisory Committee reiterates its view that the implementation of the flexible use of office space, including "hot-desking", merits serious consideration in the United Nations system, and recalls that the General Assembly urged the Secretary-General to accelerate his review of flexible workspace arrangements in the Secretariat and to present his findings to the Assembly at the main part of the sixty-eighth session (see A/67/548, para. 45, and General Assembly resolution 67/246, sect. V, para. 20). In this regard, should the Assembly approve flexible workspace arrangements in the Secretariat following this review, the Committee recommends that the General Assembly request the Secretary-General to apply the flexible use of office space in this project.**

10. Upon enquiry, the Advisory Committee was provided with the following table showing a summary comparison of the area calculations included in the two most recent reports (A/66/754 and A/67/696).

	A/66/754 Areas reported in gross square metres	*A/67/696 Areas reported in gross square metres*	*Difference*
Office	1 524	1 784	260
Archive	2 792	2 632	-160
Court	624	620	-4
Total	**4 940**	**5 036**	**96**

The Committee was informed of the following reasons for the differences: (a) the summary figures in the most recent report (A/67/696) are gross figures; (b) the office building in the conceptual design contains some functions that were initially included in the "specialized spaces" category in the previous report (A/66/754); and (c) the area estimates in the previous report (A/66/754) were based on estimated net areas plus "rule of thumb" or best practice estimates for building circulation factors, common area factors and circulation factors, while the areas in the report under consideration are based on actual designs and actual computer readings taken from the areas.

11. Upon enquiry as to staffing, the Advisory Committee was informed of the following approved posts for the 2012-2013 biennium: no administrative posts; 44 non-administrative posts; and 7 double-hatted posts. The Committee was also informed of the staffing estimates, for planning purposes, of the construction of the facility: 30 administrative posts; 4 security posts; 56 non-administrative posts; and no double-hatted posts. **The Advisory Committee notes that these staffing estimates are for planning purposes only, and recommends that the General Assembly request the Secretary-General to ensure that the final space requirements for the new facility reflect the actual number of staff needed to perform the functions of the Mechanism (see also A/66/807, para. 12).**

12. Upon enquiry about possible co-location with the African Court of Justice and People's Rights, the Advisory Committee was informed that the plans of the African Court to build a new facility in the Lakilaki area are still at the planning phase and that the timeline for the construction and the requirements for the new premises are pending finalization. The Committee was further informed that, at this stage, the future workload of the African Court and the extent of required services and facilities would be difficult to forecast. **The Advisory Committee encourages continued bilateral exchanges with the African Court in this regard in order to explore the possibility of sharing facilities in the future.**

Accountability issues

13. The report of the Secretary-General states that the Registrar of the Mechanism, benefiting from the input of the President and the Prosecutor of the Mechanism and the technical guidance of the Office of Central Support Services, plays a leading role in ensuring full compliance with United Nations oversight instruments and the efficient development of the project. The report also indicates that the recruitment of a project manager is in the final stage, and that the selected candidate is expected to join the Registrar's team by March 2013 (see A/67/696, paras. 37 and 39).

14. The Advisory Committee notes that the officer accountable for this project is the Registrar of the Mechanism.

Project schedule

15. As requested by the General Assembly in its resolution 66/240 B, the project schedule has been shortened from five years and three months to four years, and occupancy of the facility is projected for the fourth quarter of 2015 (see A/67/696, paras. 46 and 48). **The Advisory Committee welcomes the shorter project schedule and encourages the Secretary-General to continue to explore options for reducing the duration of the project, where feasible. The Committee also attaches importance to the continued oversight of the project, including by the Office of Internal Oversight Services, and recommends that the General Assembly request the Secretary-General to continue to provide updates on the progress of the project.**

Detailed cost estimate

16. A detailed breakdown of the cost estimate for the project, which amounts to $8,787,733, comprising $7,737,362 in total project costs and a contingency of $1,050,371, calculated at 15 per cent of the construction costs and architect fees, is given in table form in the report of the Secretary-General (see A/67/696, para. 52). Annex II of the report contains a table showing the cost plan for the construction of the new facility. Upon enquiry, the Advisory Committee was informed of the process by which the cost estimates set out in annex II were established by a specialized construction-cost-estimating company. **The Advisory Committee recommends that the General Assembly request the Secretary-General to provide more details on the methodology used in calculating the cost estimates set out in annex II of the report.**

17. In his report, the Secretary-General explains that lessons learned from the Organization's capital projects in recent years indicate that a project contingency would be required and would serve to cover unforeseen circumstances, such as field

conditions, errors and omissions by the architect or other unexpected contractual issues, and that any unspent balance of the contingency will be returned to Member States upon completion of the project (see A/67/696, para. 51). Upon enquiry, the Advisory Committee was informed that the rate of 15 per cent is considered appropriate for the contingency and in line with industry best practice for this type of project at this stage of development. **The Advisory Committee reiterates that contingency provisions approved for construction projects serve to provide necessary safeguards against unforeseen cost overruns during project implementation. Any cost overruns should first be met from compensatory reductions identified elsewhere through efficiency measures. The Committee therefore expects that project costs will be met from within approved resources in order to obviate the need for drawdown from contingency provisions (see also A/67/484, para. 13).**

18. Upon enquiry as to estimated additional associated costs, the Advisory Committee was informed that, should the facility not be able to utilize existing office furniture from either the International Criminal Tribunal for Rwanda or the International Tribunal for the Former Yugoslavia, the cost of new furniture is estimated at $424,500. **The Advisory Committee notes that these associated costs would be in addition to the current cost estimate of the project. The Committee encourages the facility to maximize the use of existing serviceable office furniture so as not to incur additional associated costs.**

19. **In addition, the Advisory Committee recommends that the General Assembly request the Secretary-General to include information regarding associated costs as part of overall costs of future construction and refurbishment projects in his proposals submitted to the Assembly.**

20. Upon enquiry, the Advisory Committee was provided with information on the comparison of the per square metre costs of recent United Nations construction projects. The International Residual Mechanism facility in Arusha is 5,036 square metres; the United Nations Office in Nairobi is 18,975 square metres; and the new office facility at the Economic Commission for Africa is 11,275 square metres. The total project costs per square metre are $1,745 for the International Residual Mechanism facility in Arusha; $1,263 for the United Nations Office in Nairobi; and $1,360 for the new office facility at the Economic Commission for Africa. The Committee was further informed that the Arusha facility is more expensive on a square metre basis because (a) a smaller project is typically more expensive on a per square metre basis due to economies of scale; (b) the Arusha facility includes more specialized construction for the archive and court functions while the other two buildings are primarily offices; and (c) the budgets for the other two projects were established in 2009 and 2002 respectively, while the Arusha facility budget, established in 2013, assumes that construction will take place in 2015, and therefore construction escalation costs have been factored in.

21. The Advisory Committee was also informed that the project management costs for the same three projects would be: $635,800 for the Arusha facility; $1,296,053 for the United Nations Office in Nairobi; and $587,288 for the new office facility at the Economic Commission for Africa. Furthermore, an amount of $99,086 for travel costs has been added for the Arusha facility, while travel costs for the other two projects are included in project management costs. Upon enquiry, the Committee was informed that travel costs include travel by members of the Office of Central

Support Services team from New York to Arusha and The Hague and travel by members of the Mechanism team from The Hague to Arusha and New York. Objectives for travel to New York and The Hague include the solicitation of technical advice and support from staff of the Office of Central Support Services and the International Tribunal for the Former Yugoslavia, as well as general project coordination meetings. **The Advisory Committee notes the additional travel costs of the project and encourages the use of alternative means of communication, where feasible, in order to reduce the need for travel.**

22. The report indicates that the Secretary-General conducted a comparative analysis, on a square-metre basis, of the costs of a temporary and a permanent structure (A/67/696, para. 53). The Advisory Committee recalls that, in its resolution 66/240 B, the General Assembly did not endorse the Committee's recommendation for such a comparative analysis. Upon enquiry as to the rationale for conducting the analysis, the Committee was informed that the Secretariat had conducted the comparative analysis as due diligence requires and weighed the options. **While it recognizes the utility of a comparative analysis of the costs of a temporary and a permanent structure, the Advisory Committee notes that the request for a comparative analysis was not included in General Assembly resolution 66/240 B.**

Funding

23. The Advisory Committee recalls that in its resolution 66/240 A, the General Assembly appropriated an initial amount of $3 million for the overall construction of the facility, and authorized the expenditures to cover only expenses related to the conceptual design phase of the project. The Committee further recalls that in its resolution 66/240 B, the Assembly decided not to assess the portion of the initial appropriation for 2013, pending consideration of the present report of the Secretary-General. The Committee was informed that of the $3 million appropriated for the overall construction of the facility, $1.5 million was assessed in 2012, leaving a balance of $1.5 million to be assessed. **The Advisory Committee notes that should the General Assembly, following its consideration of the present report of the Secretary-General, authorize the continuation of the project, a further assessment may be required (see para. 26 (f) below).**

24. According to the Secretary-General, it is projected that by the end of 2013, an expenditure of $362,020 will have been incurred, leaving a balance of $2,637,980, which needs to be utilized in 2014 and 2015 (see A/67/696, para. 56). The report also indicates that the remaining requirement of the total project costs, after offsetting the initial appropriation of $3 million, will be updated by the Secretariat at the time of the preparation of the proposed budget for the International Residual Mechanism for the biennium 2014-2015, and that an additional appropriation will be sought in that context for the balance of the project costs.

25. The Secretary-General proposes the use of a multi-year special account for the project, as with recent construction projects such as the construction of new office facilities in Nairobi and Addis Ababa. Upon enquiry, the Advisory Committee was informed that this would ensure that the approved funding remains available throughout the duration of the project, and obviates the need to make requests to the General Assembly in a piecemeal manner. At the end of a financial cycle the unused balance would be rolled over to the following cycle, until completion of the project.

Conclusion

26. The actions to be taken by the General Assembly are set out in paragraph 59 of the report of the Secretary-General. **Taking into account its above observations and recommendations, the Advisory Committee recommends that the General Assembly:**

(a) Take note of the progress made on the project during the reporting period;

(b) Take note of the conceptual design, the revised project schedule and the total project cost estimates;

(c) Authorize the activities related to all phases of the project, including the construction phase, given the progress made in the project;

(d) Take note that additional requirements of the project will be included in the proposed budget for the Mechanism for the biennium 2014-2015;

(e) Decide to establish a multi-year special account for the expenditures of the project, considering the experience of recent construction projects undertaken by the Organization;

(f) Approve an additional assessment in the amount of $1,500,000 of the appropriation of $3 million for the construction of the facility, which remains to be assessed pursuant to General Assembly resolution 66/240 B.